

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

CHARLES M. LLEWLYN,

Petitioner,

v.

WARDEN, FCI JESUP,

Respondent.

CIVIL ACTION NO.: 2:15-cv-72

**ORDER**

Petitioner, an inmate at the Federal Correctional Institute in Jesup, Georgia, has filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2241. Petitioner contemporaneously filed a motion to proceed *in forma pauperis*. (Doc. 2) Additionally, the Court notes from the record that the required filing fee for a 28 U.S.C. § 2241 Petition was received on June 22, 2015. Upon initial review of his pleading titled “Emergency Petition for Writ of Habeas Corpus” (doc. 1), it appears that Petitioner is not contesting the computation of his earned time or the execution of his sentence pursuant to 28 U.S.C. § 2241, but rather he is challenging the conditions of his confinement while incarcerated at FCI Jesup, Georgia. Such a suit must be brought pursuant to 28 U.S.C.A. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and the filing fee for such an action is \$350.00.

THEREFORE, IT IS HEREBY ORDERED that Petitioner shall have **twenty-one (21) days** from the date of this Order to amend his claim. If Petitioner wishes to proceed with his claim, he should do so pursuant to 28 U.S.C. § 1331 and Bivens. **Should Petitioner fail to**

**timely amend his claim or otherwise respond to this Order, the Court will presume that Plaintiff does not intend to pursue this action and will dismiss this case without prejudice.**

IT IS FURTHER ORDERED that the \$5.00 filing fee paid for Petitioner's writ of habeas corpus action shall be refunded by the Clerk to the payee. The Clerk is also AUTHORIZED and DIRECTED to provide Petitioner with the proper packet of forms for proceeding with his claim pursuant to 28 U.S.C. § 1331 and Bivens to include an application to proceed without prepayment of fees. Petitioner is urged to carefully read and follow all of the instructions included in the packet from the Clerk.

**SO ORDERED**, this 2nd day of July, 2015.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is fluid and cursive, with the first name "R" being large and prominent, followed by "Stan" and "Baker".

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R. STAN BAKER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA